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SUMMARY RECORD OF THE 48th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 8 April 1997, at 6 p.m.

Chairman: Mr. SOMOL (Czech Republic)

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The meeting was called to order at 6.25 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 10) (continued) (E/CN.4/1997/5, 6 and Add.1 and 2, 8, 9, 12 and Corr.1 and Add.1 and Add.1/Corr.1, 48-51 and Add.1, 52-55 and Corr.1, 56-59, 60 and Add.1, 61, 62 and Add.1, 63, 64, 113, 114, 118, 123-125, 129, 132; E/CN.4/1997/NGO/3-6, 12, 14-17, 21, 25, 27, 37; A/51/457, 460, 466, 478, 479, 481, 490, 496, 538, 542/Add.2)

1. Mr. GROTH (Special Rapporteur on the situation of human rights in Cuba), introducing his report (E/CN.4/1997/53), said that, as in previous years, the Cuban authorities had not allowed him to visit Cuba, where, according to the information he had been able to gather, the human rights situation had not improved. If the authorities would abide by Cuban law and the Constitution, however, there would be a considerable improvement in the situation.

2. Various means were used to restrict freedom of expression, association or political opinion: imprisonment, harassment, threats, detention, loss of employment, and sometimes physical aggression. Furthermore, according to the information the Special Rapporteur had received, conditions in prisons were still just as deplorable and political prisoners were still put in with common criminals.

3. As far as the legal system was concerned, the adoption in December 1996 of Law No. 80 on Reaffirmation of Dignity and Cuban Sovereignty meant that a new threat hung over the exercise of the freedom of opinion and expression. Similarly, under the Law of 18 April 1996 on self-employment, in order to obtain or keep a self-employment licence, it was necessary to meet a number of conditions which were undoubtedly ideological in nature.

4. With regard to violations of trade-union freedoms, he would draw Governments' attention to the conclusions of the ILO Committee on Freedom of Association, which were reproduced in paragraph 44 of the report.

5. In conclusion, he said that the Cuban Government could take measures, without major cost either in economic or in political terms, to give effect to the recommendations he made at the end of his report, if only it had the political will.

6. Mr. AMAT FORES (Cuba) said that in the field of human rights the Cuban Government collaborated with United Nations machinery and representatives provided that they respected Cuba and did not set out to interfere in its political life. That was unfortunately not the case with the Special Rapporteur, who had become the de facto spokesman for the declared enemies of the Cuban revolution. Everyone knew that without the United States' aggressive policy towards Cuba and without the need to justify a genocidal blockade, the question of the "situation of human rights in Cuba" would not even arise.

7. In 38 years of revolution, there had not been a single enforced disappearance, a single political assassination, or a single arbitrary execution in Cuba. There was no official centre for training specialists in crime as at the CIA, no "Americas School" teaching people to torture, and no death squads. Blacks were neither lynched nor beaten up in the street by the police. Neither racial discrimination, nor child prostitution, nor the drug traffic, nor mafias, nor any other form of organized violence was tolerated.

8. So why were accusations made against Cuba? Because it refused to conform to the norm of unbridled liberalism and had established, not a "market democracy", but a democracy based on active and direct political participation by citizens, whose freedom and dignity were safeguarded, as could be seen from the results achieved in the fields of health, education, culture, sport and the arts.

9. In recent years, the Government had taken steps to strengthen its economic, political and social system: facilitation of foreign investment, development of self-employment, economic, financial, banking and tax reforms, development of forms of collective ownership in agriculture, liberalization of the market for agricultural and fishing products, improvement of the electoral system and strengthening of the role played by the Parliament.

10. Cuba could not tolerate the existence on its territory of a fifth column organized and financed by the powerful fundamentalist right in the United States and by extremist and mafia groups in Miami, which were financing terrorism and economic warfare against Cuba. When they violated the country's laws, members of the fifth column were punished, not as dissidents, but as mercenaries.

11. He expressed the hope that the members of the Commission, and in particular the developing countries, would reject the draft resolution on Cuba submitted by the United States, which, if it were adopted, would tarnish the Commission's image and would go against the interests of the millions of Cubans who were courageously working and striving to improve their lot and to preserve their country's freedom and independence.

12. Ms. REHN (Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia), submitting her report (E/CN.4/1997/56), said that support for the democratization process in all the countries of the former Yugoslavia should be one of the international community's main priorities. The way the situation developed in Bosnia and Herzegovina, for example, was directly related to democratization in neighbouring countries. She welcomed the fact that cooperation with the countries covered by her mandate had generally been good, but regretted the fact that many of the recommendations she had made had not been implemented, particularly as far as "silent emergencies" were concerned.

13. In the Federal Republic of Yugoslavia, the increasing political and inter-ethnic tensions in Kosovo were of growing concern. Recent violent attacks against the local Serb authorities must be condemned, as must the mistreatment and torture of ethnic Albanians by the Serbian police when carrying out arrests and holding detainees in custody. To ease tensions in the region, it was essential to maintain dialogue between the two sides.

It was with such considerations in mind that several months previously she had requested the opening of an office of the High Commissioner for Human Rights in Pristina. She trusted that the Government of the Federal Republic of Yugoslavia would approve that request without delay.

14. The manipulation of the November 1997 election results and biased media reporting had caused a serious deterioration in the human rights situation. She therefore hoped, firstly, that the Ministry of Information would amend the draft law on the media so as to guarantee real media freedom and, secondly, that the Government would invite OSCE to monitor the forthcoming elections.

15. As far as Eastern Slavonia was concerned, if it was to be peacefully reintegrated with Croatia, the Croatian Government would have to take concrete action immediately to reassure the population as to their future after the departure of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) and facilitate the return home of the Serbs who had fled the region. The Serbs who had remained in the region or had returned there were living in a state of utter insecurity. There seemed to be an enormous distance between the Croatian Government's promises and its actions.

16. In Bosnia and Herzegovina, there were still violations of the freedom of movement, the right to return, the right to non-discrimination and the right to property, and the process of creating "ethnically clean" areas aimed at preventing the rebuilding of a multi-ethnic and tolerant society was still going on. To remedy that situation, it would be necessary, among other things, to arrest indicted war criminals, make anything other than humanitarian aid conditional upon observance of human rights, improve the legal system, democratize police forces, promote an independent judiciary and independent media, establish permanent institutions capable of protecting human rights, including the right of refugees and displaced persons to return, and set about clearing the region of mines.

17. The international community should redouble its efforts to persuade political leaders to embark on the only possible course, the path of reconciliation, and should emphasize to religious leaders the moral role they could play in promoting respect for human rights. Unlike the politicians, ordinary citizens could live together. Children were the hope of the future. When attending a football tournament recently in Sarajevo, in which many Muslim, Croat and Serb youngsters had participated, she had had tears in her eyes. Why could not the adults learn from them?

18. Mr. BEKIC (Observer for Croatia) said that his Government had made considerable efforts to ensure that free and democratic elections would be held on 13 April 1997 in the territories provisionally administered by UNTAES and thus to expedite the reintegration of the last Croatian territories that were still occupied. Despite a number of problems with UNTAES and local Serb officials, the offices responsible for dealing with requests for Croatian citizenship documents had an excellent record.

19. There were now only 150 names, as against 811 previously, on the list of persons not covered by the amnesty law, being suspected of having committed war crimes in Eastern Slavonia. The Croatian Government, moreover, had made

plans to set aside 3,000 jobs for the Serb population of Eastern Slavonia in the police, the post office, the Croatian electricity company, Croatian railways and education and was prepared to officially recognize primary and secondary-school certificates issued to pupils in the region during the period of occupation (1991-1997). As far as pensions were concerned, the Croatian Government was providing 7,000 people with cash advances and, after 15 July 1997, 15,000 to 20,000 persons would be entitled to pensions and health insurance.

20. In the former Sectors, the crime rate had gone down and was no higher than in the rest of Croatia or some developed countries. The isolated incidents that occurred were the work of a minority of extremists, who were not representative of the population at large.

21. With regard to the Croatian Serb refugees, it should be noted that by 12 February 1997, 14,454 of them had returned to Croatia, or 58 per cent of those who had asked to return. It was worth noting that so far not a single Croat refugee had returned to Eastern Slavonia. The Croatian Government could not take any responsibility for the non-return of those Serbs who did not wish to live in Croatia. In any case, the Serbs' return to Croatia could only come about gradually and would have to go hand in hand with the reconstruction of war-devastated areas and with measures to rebuild mutual confidence and tolerance between ethnic communities.

22. As far as freedom of expression was concerned, the Telecommunications Council had decided to award Radio 101 a concession. Pursuant to that decision, Radio 101 was obliged to draw up a formal agreement by 31 October 1997. In the meantime, it must satisfy the conditions laid down by law, which were equally applicable to other stations that had won a concession. In addition, a new independent weekly called "Tiednik" had recently gone into circulation, thus adding to the large number of independent publications available in Croatia.

23. In conclusion, he said that the Croatian Government would continue to collaborate with the Special Rapporteur, whom he would urge to prepare an interim report on the human rights situation, since 1991, in the territories covered by her mandate. Since Croatia had undertaken to abide by the standards laid down by the Council of Europe in the field of human rights, the Special Rapporteur's mandate ought to be terminated, at least de facto, when the country ratified the European Convention on Human Rights. His Government would do everything possible to ensure that the next generation grew up in an environment in which the rights of all persons, whatever their race, sex, language, religion or national origin, were respected.

24. Mr. JERKIC (Observer for Bosnia and Herzegovina) said that in Bosnia and Herzegovina the different parties would have to redouble their efforts to overcome the problems facing the country, which the Special Rapporteur had successfully identified. Bosnia and Herzegovina also needed greater support from the international community, so that it could complete the process of national reconciliation and reconstruction and heal the wounds left by the recent aggression of which the country had been a victim. Respect for human rights was a sine qua non for stabilization of the peace process. Bosnia and Herzegovina accordingly trusted that the Commission would take those

considerations into account in the resolution it adopted on the human rights situation in Bosnia and Herzegovina and that it would help the Special Rapporteur to go on with her work. For its part, Bosnia and Herzegovina would continue to cooperate actively with the Special Rapporteur.

25. Mr. AGURTSOU (Belarus) said that if the human rights situation in the world was to improve, it would be necessary to adopt a balanced and constructive approach, based on a genuine dialogue and close cooperation, and not to apply double standards, because no State could claim to guarantee full exercise of all human rights on its territory.

26. Belarus, a young State in the process of transition, considered that civil and political rights on the one hand and economic, social and cultural rights on the other were indissociable, and it was endeavouring to create a democratic society based on the multiparty system and the rule of law. The 1994 Constitution, adopted by more than 70 per cent of the electorate in November 1996, guaranteed all fundamental rights. The judiciary was independent and a constitutional court was responsible for ensuring the constitutionality of laws and regulations. Various laws had been adopted guaranteeing such matters as religious freedom and the rights of national minorities, refugees and children. The Parliament had amended the law on the press and the media in accordance with the recommendations made by the Council of Europe. Recently, it had considered a proposed law on the human rights Ombudsman. The State was trying, as far as the resources available permitted, to mitigate the negative effects of the transition to a market economy. In Belarus, there was no conflict between ethnic or religious communities. The Government collaborated actively with the various United Nations mechanisms responsible for human rights. For example, it had invited the Special Rapporteur on religious intolerance to visit Belarus from 28 May to 1 June 1997.

27. Regional agreements had an important role to play in the protection of human rights. An example was the Agreement of Union between Belarus and the Russian Federation signed on 2 April 1997 by the Presidents of the two countries. The electorate would vote in a referendum on a draft charter setting out the aims of the Union: to raise the people's standard of living by pooling the two countries' material and intellectual capacities; to guarantee the operation of a market economy; and to help maintain peace and stability in Europe. Each of the two States would keep its sovereignty, its independence, its Constitution and its territorial integrity, and it would not be possible for any decision of the Union to be taken except by common agreement.

28. In conclusion, he recognized that much remained to be done to guarantee full exercise of human rights in Belarus and assured the Commission that his Government would continue to spare no effort, whether nationally or internationally, in order to achieve that objective.

29. Mr. VAN WULFFTEN PALTHE (Netherlands) speaking on behalf of the European Union and of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, said it was essential that States should fulfil the obligations they had freely entered into and collaborate fully with the international mechanisms they had helped to

establish. Respect for human rights and fundamental freedoms was a vital element of the European Union, as was shown, for example, by the measures taken by States members of the Union to combat racism, intolerance and xenophobia and by their cooperation with the mechanisms in question.

30. If the countries belonging to the European Union agreed to take account of the concerns expressed by other countries and other actors in the international community, they also asked other countries to take account of their concerns. The European Union was ready to collaborate with other countries in order to ensure respect for human rights, and also wanted to be able to express its solidarity with the victims of human rights violations and with human rights defenders. That was why it would be submitting draft resolutions on the human rights situation in Burma, East Timor, Iran, Iraq, Nigeria, Zaire and the occupied Arab territories.

31. The European Union was also concerned about the human rights situation in countries which were or had recently been the scene of conflicts. In the Great Lakes region (Burundi, Rwanda and eastern Zaire), there were reports of serious violations of the fundamental rights of refugees, particularly the right to life. The States concerned ought to cooperate closely with the High Commissioner for Refugees and the High Commissioner for Human Rights in arranging for the refugees to return in safety and dignity and ensuring freedom of movement and safety for humanitarian staff and human rights monitors. An international conference on peace, security and development in the Great Lakes region, under the auspices of the United Nations and OAU, was urgently needed in order to resolve the region's problems in a comprehensive way. The European Union welcomed the appointment of Mr. Sahnoun as joint United Nations-OAU Special Representative for the Great Lakes region. It also stressed the importance of the process of democratization of all countries in the region.

32. In Rwanda, the human rights situation continued to be a matter of concern. The Government should secure the safety and reintegration of the many refugees who had returned to the country. The European Union welcomed assurances by the Government that it would ensure the safety of humanitarian and United Nations staff. It supported the efforts of the International Criminal Tribunal to prosecute those responsible for the genocide. It welcomed the adoption of the Law on the Differentiation of Criminal Responsibility for the Genocide, but was deeply concerned about the conditions under which the first genocide trials were being conducted, in particular the problems for suspects in getting legal counsel, and about the inhuman conditions of detention for persons awaiting trial. The European Union called upon the Rwandan Government to do everything possible to restore the judicial system, achieve national reconciliation and put an end to impunity.

33. In Burundi, the reports of killings of returning refugees by the army and killings by rebel groups were alarming. The forced transfer of Hutus to "regroupment camps" was also very disturbing. The European Union called on Burundi to return to a constitutional order and the rule of law and invited all parties to commit themselves to dialogue with a view to ending impunity and violence. It welcomed the Government's agreement to the reinforcement of the United Nations human rights monitoring programme.

34. With regard to the countries that had emerged from the former Yugoslavia (Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia), the European Union urged all parties to improve the human rights situation, to protect the rights of persons belonging to minorities and to cooperate with the International Criminal Tribunal for the Former Yugoslavia, UNHCR, ICRC and the Special Rapporteur.

35. The European Union welcomed the progress made in implementing the Dayton Agreement in Bosnia and Herzegovina. However, the general human rights situation in the country still left much to be desired, particularly in the Serb and Croat-dominated areas. The European Union was deeply worried by acts of ethnic cleansing, obstructions to the return of refugees and displaced persons and infringements of the freedom of the media, which were liable to interfere with the successful conduct of municipal elections to be held shortly under OSCE supervision. It urged all parties to cooperate closely with the High Representative, with all the institutions set up under the General Framework Agreement for Peace in Bosnia and Herzegovina and with the International Criminal Tribunal. The European Union's assistance for economic reconstruction was closely linked to fulfilment of obligations under the peace agreement.

36. Concerning Croatia, the European Union invited all parties to facilitate the process of peaceful reintegration of eastern Slovenia by fulfilling their obligations and cooperating with UNTAES. The Croatian Government should protect the Serb minority, particularly in the former North and South Sectors, and facilitate the return of refugees. The European Union welcomed the agreement on normalizing relations between Croatia and the Federal Republic of Yugoslavia. It urged Croatia to cooperate fully with the International Criminal Tribunal.

37. In the case of Afghanistan, the European Union urgently appealed to all parties involved to respect human rights and fundamental freedoms, particularly those of women, and invited them to cease hostilities, engage in a political dialogue aimed at the establishment of a Government representing the different ethnic and religious groups in the country and cooperate closely with the United Nations Special Mission to Afghanistan. It also urged third parties to refrain from interfering in the conflict and from supplying arms to the warring factions.

38. In Sudan, there were continuing violations of human rights and international humanitarian law: indiscriminate bombing, summary executions, abduction of persons belonging to ethnic minorities, mainly women and children, slavery-like practices, ethnic and religious discrimination and arrests of political opponents. The European Union called upon all parties to the conflict to respect human rights and on the Sudanese Government to cooperate fully with the Special Rapporteur and the thematic rapporteurs. It took note of the Government's desire to cooperate further with international organizations, with special attention for the rights of children. Finally, it reminded the Commission that it had recommended the sending of human rights observers to Sudan as a matter of priority.

39. The European Union was very concerned about the human rights situation in Algeria, and particularly about the repeated terrorist attacks on the

civilian population. It condemned all acts of violence and renewed its call for full respect for human rights. It wished to encourage the Algerian Government to promote the democratic process, stability and peace in the country.

40. The revival of the peace process in Liberia was encouraging. The European Union called on the Liberian State Council and States belonging to the Economic Community of West African States (ECOWAS) to work jointly for the full implementation of the Abuja II Agreement. Immediate arrangements should be made for child soldiers to be reintegrated into society.

41. The European Union welcomed the decision by the Government of Angola to instal a Government of Unity and National Reconciliation. It called upon the two sides to implement without further delay the remaining military and political clauses of the peace process and to establish a culture of human rights, a crucial condition for lasting peace.

42. The European Union was concerned about the continuation of human rights violations in Somalia, and in particular about discrimination against women and girls, who were for instance victims of the practice of genital mutilation. It invited all parties in the peace process to work towards national reconciliation, to ensure respect for human rights, in collaboration with the new expert on advisory services in the field of human rights, and to ensure compliance with internationally accepted standards in the judicial, police and prison systems.

43. Regarding the Russian Republic of Chechnya, the European Union welcomed the peace agreement of August 1996 and expressed the hope that the elections held in January 1997 would strengthen the necessary democratic framework for a comprehensive solution of the conflict. It called upon the authorities to fully respect human rights and humanitarian law and to ensure that humanitarian organizations and the Organization for Security and Cooperation in Europe (OSCE) could do their work safely and without restrictions. It urged all sides to the conflict to release prisoners and deal with the question of missing persons.

44. The European Union welcomed the growing political stability since the recent elections in Kashmir and noted with satisfaction Indian initiatives to prevent human rights violations. It remained concerned, however, about the continuing violations of those rights. It condemned all acts of violence by terrorist groups and called on the Government of Pakistan to take effective measures to prevent armed infiltration from areas under its control. Finally, it welcomed the decision of the Governments of India and Pakistan to resume talks on bilateral issues and hoped that the dialogue would help lead to a lasting peace and respect for human rights.

45. As far as Guatemala was concerned, the European Union welcomed the agreement on a timetable for the implementation of the peace agreements of 29 December 1996, which, it hoped, would make it possible to improve the human rights situation and to compensate the victims of human rights violations connected with the conflict.

46. The European Union was concerned at the plight of refugees from Bhutan currently in UNHCR camps in Nepal. It called on the Governments of Nepal and Bhutan to find a just and lasting solution to the problem.

47. The European Union welcomed the departure of the mercenaries from Papua New Guinea and hoped that the Government would take the opportunity to renew the search for a negotiated peaceful settlement on Bougainville in order to put an end to the human rights violations being committed there.

48. As far as Cyprus was concerned, the status quo was unacceptable and caused suffering to the population. The European Union fully supported the good offices mission of the Secretary-General and his Special Representative for Cyprus and called on all parties to step up their efforts to move towards a comprehensive settlement in accordance with the relevant Security Council resolutions and the high-level agreements. It also called for respect for all human rights of all Cypriots and wished the Committee on Missing Persons set up by the United Nations to be able to continue its work without hindrance. It also supported the efforts of the United Nations peacekeeping force in Cyprus to carry out its humanitarian mandate in respect of Greek Cypriots and Maronites living in the northern part of the island and Turkish Cypriots living in the southern part.

49. Turning to the question of lack of accountability, he said that while democracy should not perhaps be simply equated with human rights, it did seem that Governments that were in no way accountable to their people had great difficulty in curbing abuses of power.

50. The European Union welcomed the fact that China was contemplating acceding to the International Covenants on Human Rights. The entry into force on 1 January 1997 of the amended Criminal Procedure Code also represented progress. The European Union considered, however, that that was not enough and expressed the hope that other steps would be taken to align the Chinese judicial process with international human rights standards. It was concerned in particular by the system of re-education through labour, the excessive use of the death penalty, the imprisonment of dissidents, prison conditions, particularly forced labour, and the human rights situation in Tibet. It called upon the Chinese Government to cease all activities that threatened the cultural, ethnic and religious identity of Tibetans. Speedy ratification of the Covenants would greatly help to improve the human rights situation in China. The European Union, which had frequently expressed its desire to continue its efforts at a constructive dialogue with China on human rights, called upon the Chinese Government to join it in those efforts.

51. The European Union was profoundly concerned over the plight of the many political prisoners and prisoners of conscience in the Democratic People's Republic of Korea and over the restrictions on freedom of expression and the practice of re-education through labour. It called upon the Government to respect all human rights and to cooperate fully with the international human rights mechanisms. It also urged the Government to introduce reforms without delay to alleviate the suffering of the people.

52. In Cuba, the rights to freedom of expression and association were violated, and members of groups seeking to protect human rights by peaceful

means were harassed and detained. The European Union called upon Cuba to enter into a dialogue with representatives of those groups, to release political prisoners unconditionally, to cooperate with the Special Rapporteur and other mechanisms of the Commission on Human Rights and to ratify international human rights instruments, in order to ensure respect for those rights and to promote progress towards a pluralistic democracy.

53. In Saudi Arabia, the torture of detainees, detention without trial, violations of women's rights and denial of the freedom of religion and of expression were a cause for deep concern to the European Union. It would encourage the Government to pursue the cooperation it had entered into with United Nations human rights bodies and to ratify the main international human rights instruments.

54. The European Union remained concerned about the human rights situation in the Syrian Arab Republic. It strongly encouraged the Government to remedy the situation, particularly as regards the treatment of prisoners and freedom of expression, and urged the Syrian authorities to engage in a dialogue on the human rights situation in the country. It would welcome concrete measures, such as the release of political prisoners.

55. The European Union called on the Government of the Niger to respect human rights and fundamental freedoms fully, including freedom of opinion and freedom of the press, to reinstate the rule of law and to open up to more democratic rule, as it had recently undertaken to do. It welcomed the release on 11 January 1997 of opposition leaders and hoped that the accusations against them would be withdrawn. Finally, it urged all political forces in the Niger to engage in a dialogue with a view to national reconciliation.

56. Concerning Chad, the European Union had taken note of the progress achieved in the transition to democracy, but remained disturbed by reports of arbitrary arrests, torture, deaths in detention and extrajudicial executions. It called upon the Government and the rebel forces to respect human rights and fundamental freedoms.

57. The European Union also called upon all countries that held democratic elections to respect human rights in all circumstances. In the case of Turkey, it was concerned about the incidence of torture, involuntary disappearance and extrajudicial execution, and also about the impunity enjoyed by army and police staff responsible for human rights violations. It encouraged the Turkish Government to pursue the efforts it was making, particularly in the matter of criminal legislation and procedure, to diminish the risk of torture. It also called on Turkey to cooperate with all human rights mechanisms, in particular the Special Rapporteur on torture. While the European Union condemned terrorism in the strongest terms and supported the territorial integrity of Turkey, it also wished to repeat that all actions taken by the Government in defence of its citizens must be in full respect of human rights and fundamental freedoms.

58. The European Union noted with satisfaction that the results of the recent local elections in the Federal Republic of Yugoslavia had now been recognized. It called again for full implementation of all the OSCE recommendations, particularly with regard to the establishment of a dialogue

with the opposition, freedom of the media, independence of the judiciary and revision of the electoral system. Only democratization and liberalization of the political and economic system and respect for human rights, and particularly the rights of minorities, would make it possible to solve the problems and open the way for the full integration of the Federal Republic of Yugoslavia into the international community. In that connection, the European Union urged the Government to grant a large degree of autonomy to Kosovo within the Republic. It called upon it to allow the High Commissioner for Human Rights and the European Union to establish a presence in Pristina, Kosovo, and to authorize visits to Kosovo by the personal representative of the Chairman in Office of OSCE.

59. The European Union remained concerned about the human rights situation in Indonesia, in particular the attempts made to frustrate the activities of political groups, trade unions and the media. It would continue to follow closely the trials of trade unionists, including that of Mr. Pakpahan. It welcomed the good work done by the National Human Rights Commission and urged the Government to take effective measures to improve the human rights situation, e.g. by giving international humanitarian organizations unimpeded access to prisoners, and also to ratify international human rights instruments.

60. The European Union also remained concerned by the lack of democracy and the serious and systematic violations of human rights in Equatorial Guinea and by the lack of independence of the judicial system.

61. The European Union welcomed the visit to Colombia by the Special Rapporteur on the independence of judges and lawyers and the imminent opening of a permanent Office of the High Commissioner for Human Rights in Bogotá. However, it remained concerned about the serious violations of human rights and the persistence of violence by all parties. The full commitment of the Colombian authorities was needed in order to reduce the level of impunity and improve the human rights situation.

62. The European Union welcomed the visit made to Peru by the Special Rapporteur on the independence of judges and lawyers. It remained concerned, however, about the continued existence of the system of "faceless judges", the maltreatment of prisoners and the prevailing impunity. It once again called upon the MRTA to release all the hostages detained in the Japanese Embassy in Lima.

63. As far as Sri Lanka was concerned, the European Union condemned the terrorist attacks by the LTTE and welcomed the continuing efforts by the Government to provide humanitarian supplies for persons displaced by the conflict. It welcomed the Government's commitment to improve its human rights record and establish a national human rights commission. It urged the Government to put an end to violations by the army in the north and east of the country and called on all parties to the conflict to make every effort to reach a negotiated settlement.

64. The European Union noted with regret the deterioration in the human rights situation in Belarus. The referendum of November 1996 and the new Constitution did not live up to democratic standards, which could only

aggravate the difficulties experienced by the country in its transition towards democracy and a market economy. The European Union called upon the Government to establish a genuine democracy, in particular by ensuring freedom of the media and independence of the judiciary. It would be desirable for the Special Rapporteurs on freedom of opinion and expression and on independence of judges and lawyers to be closely involved in that process.

65. The European Union was concerned about the human rights situation in Kenya, and particularly about the appalling prison conditions. It welcomed indications that the Government recognized the need for steps to improve the administration of justice and to amend the Constitution. It should also amend the legislation, which, as it stood, could impede free and fair elections and the creation of a political climate that would allow the various political parties to function more freely.

66. Finally, with regard to Hong Kong, the European Union welcomed China's undertaking in the 1984 Sino-British Joint Declaration that the provisions of the two International Covenants on Human Rights would remain in force in Hong Kong when it became a special administrative region of China. It called upon the Chinese Government and the future Government of the Special Administrative Region to ensure respect for the rights and freedoms at present enjoyed by the population and to explain how they intended to submit reports on the implementation of the provisions of the Covenants after 1 July 1997. It urged the Chinese Government to ensure that open and fair elections were held as soon as possible after the establishment of the Hong Kong Special Administrative Region.

67. In order to prevent further human rights violations and further atrocities, the European Union called upon all States to allow access to United Nations human rights mechanisms and international humanitarian and human rights organizations, to allow human rights defenders to do their work and to allow themselves to be held accountable.

68. Mr. WU Jianmin (China) said that his country had hoped that the debates on agenda item 10 would take place in a spirit of dialogue and cooperation and would thus help to promote human rights around the world. Unfortunately, they had become increasingly politicized, firstly in the context of the confrontation between East and West, and then, once the Cold War was over, of that between North and South. Some countries of the North were engaged in a dubious undertaking to turn the Commission into a court for developing countries. The fact that since 1992 almost all the resolutions adopted by the Commission under agenda item 10 had been directed at developing countries was no coincidence. Were the developed countries qualified to pass judgement on the developing countries? The answer was no, for several reasons.

69. First, the historical record of most developed countries was not a very decent one. During the industrialization process, they had for a long time systematically violated the human rights of the peoples of other countries on a large scale. For something like four centuries, the Western countries had engaged in the slave trade, with devastating consequences that were still being felt today: Africa remained the poorest continent in the world. Had those countries never thought of compensating the African countries? Western countries had massacred the people of their colonies and plundered their

wealth. Had they ever given a thought to the human rights of those people? Secondly, it was the developed countries which, after exploiting and plundering the colonies, had established an international economic order that was irrational and unfair: 1.3 billion people were suffering from hunger or malnutrition, while the developed countries, which had less than 15 per cent of the world's population, possessed 50 per cent of its wealth. Thirdly, the human rights records of the developed countries were far from perfect. In the largest of them, for example, only one senator out of a hundred was black, although black people accounted for 12 per cent of the total population, which showed that racism was still rife in that country. By comparison, in China 14.7 per cent of the members of the National People's Congress belonged to ethnic minorities, which only represented 9 per cent of the total population.

70. Many developing countries had had enough of the atmosphere of confrontation and politicization in the Commission. One might ask why some developed countries insisted on maintaining such a climate and setting themselves up as judges with intolerable arrogance. There were three reasons why they did so. First, those countries, which in the past had conquered their colonies by fire and the sword, today dreamt of reconquering the developing countries under the cover of the defence of human rights. Secondly, those countries, which controlled the mass media, used alleged human rights violations in developing countries to distract public attention from the massive human rights violations in their own countries, such as racism, discrimination against women, xenophobia and maltreatment of migrant workers. Thirdly, those countries were trying to shift certain of their problems on to the developing countries. As far as drug-traffic control was concerned, for example, the developed States targeted the producer countries, which were mainly developing countries, instead of taking effective measures to stop drug consumption in their own territories. That was a facile way for them to divert public indignation towards the developing countries.

71. To put an end to that climate of sterile and costly confrontation, his delegation proposed that the Commission should encourage cooperation and dialogue, in accordance with the Charter of the United Nations and the Vienna Declaration and Programme of Action, as that was the only correct way to promote the cause of human rights. The Commission should also encourage democracy. It was worth noting in that connection that the few developed countries which tried unscrupulously to impose their own model on other countries, presenting it as a panacea, never talked about democracy in international relations. The Commission should abide by the principle of equality and mutual respect among States. Sovereign equality was the primary principle laid down in the Charter of the United Nations. That principle was, however, trampled upon by some developed countries, which considered themselves superior to others and made the developing countries, which had more than 85 per cent of the world's population, the target of their accusations. It was only when the principles he had mentioned were sincerely respected and dialogue and cooperation encouraged that the Commission would be able to make progress in promoting human rights.

72. Mr. ZAHRAN (Egypt) said that the consideration of agenda item 10 should be an opportunity for the Commission to defend human rights everywhere in the

world without discrimination. At all events, no one should make use of human rights to interfere in other States' internal affairs or to achieve economic and commercial objectives.

73. His delegation was concerned by the flagrant violations of human rights and international humanitarian law committed by the Israeli occupying forces in the occupied Arab territories. It called for the immediate implementation of Security Council resolution 425 (1978), which demanded the immediate, total and unconditional withdrawal of Israel from all occupied Lebanese territories, and a revival of the peace process in the Middle East with a view to arriving at a just and comprehensive peace on the basis of the principle of "land for peace".

74. As far as Bosnia and Herzegovina was concerned, Egypt hoped that full and faithful implementation of the Dayton agreements would put an end to the horrible tragedy caused by the process of ethnic and racial cleansing, characterized by acts of extreme savagery, which had been inflicted on that country for four years with the aim of wiping out the cultural and religious identity of the Bosnian people. The agreements were being implemented under the international protection of a United Nations force, which included Egyptian troops, in order to guarantee that the territorial integrity of Bosnia and Herzegovina, its independence and its multi-ethnic character would be preserved. To that end it was necessary among other things to ensure the security of returning refugees, to remove separatist or anti-democratic elements from all positions of responsibility and to bring persons accused of war crimes - in particular, Karadzic and Mladic - before the International Criminal Tribunal for the Former Yugoslavia. The international community ought to give the Tribunal the means it needed to carry out its task. It ought also to help Bosnia and Herzegovina to rebuild its economy and provide itself with an army capable of dealing with any threat from outside when the international forces had left the country.

75. With regard to the Great Lakes region, persons suspected of war crimes and crimes against humanity should be promptly brought to judgement before the International Criminal Tribunal for Rwanda. That was the best way of preventing a repetition of such tragedies and guaranteeing the return of the refugees, whose situation, in Eastern Zaire, was very worrying. His delegation wished to stress that it was opposed to any foreign military intervention in Zaire and to the use of mercenaries in that country and that it supported the five-point peace plan submitted by Mr. Sahnoun, the joint United Nations-OAU Special Representative. Egypt would urge all the parties concerned to join in implementing the plan. It also considered essential that an international conference should be held on peace, stability, security and development in the Great Lakes region, under the auspices of the United Nations and OAU.

76. Mr. EL KHAZEN (Observer for Lebanon) said that for 19 years Israel had been occupying a large part of southern Lebanon and western Bekaa, in flagrant violation of Security Council resolutions, and in particular resolution 425 (1978), which demanded the immediate, total and unconditional withdrawal of Israel from all occupied Lebanese territories to within its internationally recognized frontiers, and respect for Lebanon's sovereignty and integrity. Israel was continuing to shell those and neighbouring regions

and did not hesitate to use prohibited weapons to bomb towns, villages, places of worship, hospitals and schools. The Commission would recall the bombardment of the Fijian UNIFIL unit's post, on 18 April 1996, which had killed 128 people, mostly women, children and old people, who had taken refuge in the security post, believing that they would be safe from the Israeli bombardments.

77. Hundreds of Lebanese, including women, old people and young people, who were held in detention centres in the occupied zone of southern Lebanon for refusing to collaborate with the invaders, were subjected to the worst forms of torture, both physical and psychological. Dozens of detainees had been transferred to prisons in Israel and sentenced without trial to imprisonment ranging from 10 to 30 years. Those hostage prisoners did not enjoy any of the rights set forth in the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War.

78. Israel's attempts to ensure its security by occupying southern Lebanon and western Bekaa had failed. In fact, the occupation was the main cause of the tension in the region and the sufferings endured by the Lebanese. Lebanon had however frequently declared that it was ready to impose security in southern Lebanon as soon as Israel withdrew in accordance with Security Council resolution 425 (1978). With that in mind, the Lebanese Government reiterated its support for the objectives of the Madrid Conference with a view to the establishment of a just, comprehensive and permanent peace in the region, on the basis of the United Nations resolutions and the "land for peace" principle.

79. His delegation appealed to the international community to take effective, concrete and realistic measures to put an end without delay to Israel's policy of occupation, oppression and repression and to compel Israel to withdraw its troops from Lebanon without any conditions, to release all prisoners, to explain what had become of people who had disappeared and to desist from any violation of human rights. In conclusion, his delegation thanked the International Committee of the Red Cross for its courageous humanitarian work and the States which were participating in the United Nations Interim Force in Lebanon (UNIFIL), whether financially or by sending troops, and thus helping to maintain peace.

80. Mr. PAK Dok Hun (Observer for the Democratic People's Republic of Korea) said that the allegations made by the European Union about his country were groundless and based on misinformation from sources that were ill-disposed towards the Democratic People's Republic of Korea. The European Union was clearly using the human rights situation in other countries in an attempt to change their social systems in accordance with its strategic and geopolitical interests. But whatever happened, pressure by the European Union would not make the Korean people deviate from the path they had chosen.

81. Just as the European Union's problems could only be solved by its member States, only the Korean people had the right and the capability to reunify their country. The partition of the Korean peninsula, which had lasted for more than half a century, had created enormous mistrust between the North and the South. No one should add to that mistrust on the pretext of defending human rights. The European Union should use its resources to meet the urgent

needs of its people, particularly in the fields of housing, employment, public health and education. If it had anything left over, it could use it for assistance directed towards peace and reconciliation instead of selling weapons to one of the parties and making baseless allegations against the other, which merely aggravated the climate of confrontation in the Korean peninsula. The Korean people would welcome such efforts.

82. Mr. DEMBRI (Algeria) wished to make it clear that all the elections (presidential, legislative and soon, local) were simply an expression of the will of the Algerian people and that the Algerian Government had already, just of its own free will, invited international observers from the United Nations, OAU and the Arab League to monitor the presidential and legislative elections.

83. Algeria would continue to build a State governed by the rule of law and a common home for Algerian citizens united in the diversity of their opinions and in mutual respect for their beliefs by the elements that made up their national personality and anxious to preserve and defend the individual and collective freedoms they had won, less than 40 years before, at the cost of over a million dead.

84. At Barcelona, on 27 November 1995, the Euro-Mediterranean countries had taken the view that terrorism, whether in its mafia-like forms or in the guise of religion, constituted an overall threat to the peace and stability of the region. The President of the Council of Ministers for Foreign Affairs of the European Union had reiterated that view a few days previously. But in many European countries there were bases and depots openly maintained for terrorist groups operating in Algeria. To tolerate such networks would be to fail in the duty of Euro-Mediterranean solidarity and to jeopardize the efforts being made by the countries of the South to introduce democracy. Many voices had been heard in European capitals calling for people to be murdered, which were tolerated by Governments in the name of freedom of expression, on the grounds that such calls had not actually been put into effect. The victims of terrorism in France and in Algeria would bear witness to history regarding that curious paradox.

The meeting rose at 9.10 p.m.